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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,474	04/09/2001	Naoto Kinjo	Q63869	6764

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EXAMINER

NGUYEN, HAU H

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/828,474	KINJO, NAOTO	
	Examiner	Art Unit	
	Hau H. Nguyen	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 27-44 is/are pending in the application.
- 4a) Of the above claim(s) 14-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 27-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed on March 13, 2006 have been fully considered but they are not persuasive. In response to Applicant's arguments that the cited reference does not teach "computer graphics algorithm executing a process of forming the computer graphics image by said computer graphics algorithm...", the examiner respectfully disagrees. In fact, as cited in previous Office Action and incorporated herein below for reference, Serra et al. teach "when the print order generator 14b receives the printing job ticket, the print order generator 14b *retrieves the same image from the low resolution image generator 12b of the image service provider system 12 via the network 22 at the specified higher resolution*. This higher resolution is typically *specified in the printing job ticket* that was sent from the ticket generator 13c. This means that the low resolution image generator 12b sends either the image at the original highest image resolution or at a specified higher resolution lower than the highest image resolution to the printing service provider system 14" (col. 5, lines 35-45), and thus, *performing processing by said computer graphics algorithm at a higher drawing level than said particular drawing level which was selected from said plurality of drawing levels based on editing data in the process of forming said computer graphics image at said particular drawing level*. Further, the computer graphics algorithm, as interpreted by the examiner, is the whole process and application, as illustrated in Figs. 1-4 of Serra et al.

In addition, claim 1 only claims 'forming a computer graphics image', and there is no "image manipulation" claimed.

Since the cited reference meets the minimum requirements of the claims, rejection is maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 27-38 are rejected under 35 U.S.C. 102(e) as being anticipated Serra et al. (U.S. Patent No. 6,674,539).

Referring to claims 1, 27, 28, 30, 31, 33, and 36, as shown in Fig. 1, Serra et al. teach a method for printing an image in a distributed network system 10 including an image provider system 12, a printing service provider system 14, and a user terminal system 13 coupled together via networks 20-22 (col. 3, lines 1-4). The image provider system 12 includes an image content site 12a that stores images. A content site refers to a collection of data (e.g., a database or file system) that contain a set of content data and/or applications for access (*computer graphics algorithms*) (col. 3, lines 25-30). The image provider system 12 further includes a low image resolution generator 12b in the image provider system 12 that can provide an image at different resolutions (col. 4, lines 20-42) (*plurality of drawing levels based on amount of data and display resolution*). Serra et al. also teach *selecting a particular drawing level* (low resolution image) and providing to the user terminal, which in turn, *executes the process of forming the image at the selected drawing level* (col. 4, lines 49-62, and col. 5, lines 3-8). Serra et al. further teach *performing processing the computer graphics algorithm at higher drawing level* (processing

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higher resolution image than the low resolution image received at the user terminal) *based on the editing data set provided by the user* (col. 5, lines 16-22, and 35-45).

In regard to claims 2 and 3, as cited above, Serra et al. teach the image at higher drawing level is image to be printed and outputting image.

In regard to claims 4 and 29, Serra et al. teach the user can customize the image including cropping, rotating, scaling, adding overlay text to the image (col. 5, lines 3-9) (selecting particular drawing level for each processing operation performed for producing *a specified particular effect* on the image/ *designating image editing data to form the computer graphics image*).

As per claims 5 and 6, Serra et al. teach preparing a plurality of computer graphics algorithms based on the amount of data and display resolutions, and selecting a particular algorithm based on the amount of data and display resolution or for each processing operation performed for producing a specified particular effect is cited above with reference to column 4, lines 32-48.

In regard to claims 7 and 38, as cited above, Serra et al. teach the user terminal (first image processor) is performing processing image at lower resolution while the image service provider system 12 (a second image processor) is performing processing image at higher resolution at different timing from the first image processor (i.e. after receiving editing data set).

As per claims 8, 11, and 12, as also cited above, the user terminal, which can a personal computer (col. 3, lines 47-50), and the image server (host computer) is connected through a computer network 20-22.

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In regard to claims 9 and 10, as described above, Serra et al. teach the image service provider can generate both low resolution image and high resolution image. Thus, the host computer processes the image at the particular drawing level (low resolution level image) and at high drawing level in the same image processor.

As per claim 13, as cited above, Serra et al. teach the image server performs processing operation at each of different drawing levels, and since the user can request the image to be processed to have a specified resolution (col. 4, lines 59-62) and accompanied with the editing data set (col. 5, lines 5-10), it is inherent that the time of the processing operation is set in advance depending upon the specified requested resolution of the image.

In regard to claims 32 and 34, as cited above, since the image server (the first image processor) processes high resolution image, and the user terminal (the second image processor) processes low resolution image, therefore, the processing speeds between the two processors are different. Since the user terminal can be any other electronic system with data processing capabilities (col. 3, lines 47-52), the performance of the CPU of the user terminal is different from the CPU of the image server.

As per claim 35, Serra et al. teach the low resolution image generator 12b always provides an image to the user terminal system 13a at a lower resolution. This allows the image to be quickly transmitted to the user terminal system 13 via the network 20 for viewing as the lower resolution requires transmission of less image data than a higher resolution would require (and therefore less amount of computation processing) (col. 4, lines 49-54) (selecting a particular drawing level is based on amount of computation processing).

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In regard to claim 37, Serra et al. teach the user terminal 13b can be, for example, a personal computer, a network computer, a notebook computer, a workstation, mainframe computer, a supercomputer. Alternatively, the user terminal 13b can be any other electronic system with data processing capabilities (col. 3, lines 47-52), and thus, including a personal digital assistant (PDA).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serra et al. (U.S. Patent No. 6,674,539) in view of Goss et al. (U.S. Patent No. 6,396,503).

Referring to claims 39-44, as applied to claims 1, 4, and 6 above, Serra et al. teach all the limitations of claims 39-44, except that the image component is at least one of a structure, a human figure, clothes, at least part of a landscape and at least part of a texture of a surface of an object.

However, Goss et al. teach a method of processing image from low resolution to high resolution based on the user selected drawing level, wherein the image component is part of a texture of surface of an object (Fig. 2, and col. 3, line 39 to col. 4, line 29), and further teach shading the selected object in accordance with location and physical behavior of the light sources in the scene (Fig. 5, col. 5, line 65 to col. 6, line 9).

Therefore, it would have been obvious to one skilled in the art to utilize the method as taught by Goss et al. in combination with the method as taught by Serra et al. in order to provide the object with greater realism.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau H. Nguyen whose telephone number is: 571-272-7787. The examiner can normally be reached on MON-FRI from 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-2 17-9197 (toll-free).

H. Nguyen

5/18/2006



Kee M. Tung
Primary Examiner